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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,697	07/10/2000	Kevin Benson McNeil	6033CC	9466

27752 7590 04/02/2003

THE PROCTER & GAMBLE COMPANY
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EXAMINER

WILLIAMS, KEVIN D

ART UNIT PAPER NUMBER

2854

DATE MAILED: 04/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/612,697

Applicant(s)

MCNEIL

Examiner

Kevin D. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on 12/02/2002 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 5,802,974 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 9-15 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Durr (US 5,452,632).

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Durr teaches a process for registering indicia and lines of termination in a moving sheet as claimed and comprising the steps of providing a generally planar sheet, transporting said sheet in a first direction (Fig. 1) at a first velocity, applying indicia to said sheet from a printer 3,4 movable in said first direction relative to said sheet, said printer being movable at a second velocity, imparting lines of termination to said sheet from a blade 11 movable in said first direction relative to said sheet, said blade being movable at a third velocity, said lines of termination being spaced apart from said indicia in a spacing, varying one of said second or third velocities independent of the other (col. 4, line 60 to col. 5, line 9) to maintain said spacing within a desired range wherein a path length of said moving sheet between said printer and said blade remains substantially constant, applying indicia to said sheet at a position spaced apart from said lines of termination at a distance, sensing 9,14 the position of said indicia by sensing the difference in reflectance between said indicia and said sheet, determining 13 the position of said blade relative to said sheet, determining 9,14,13 the actual spacing between said indicia and said lines of termination, subtracting (col. 4, line 60 to col. 5, line 9) said position of said blade and said distance between said indicia and said lines of termination to produce an error signal, varying (col. 5, lines 3-9) one of said second velocity and said third velocity when said error signal exceeds a preset value.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durr.

Durr teaches the claimed invention except for the spacing between said lines of termination and said indicia having a tolerance range within ± 0.125 and within ± 0.063 .

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Durr to have a tolerance range within ± 0.125 and within ± 0.063 , since machines are not absolutely perfect and it would be cost beneficial to allow some deviation from the desired result rather than to employ extremely expensive devices that provide near perfect preciseness.

A tolerance range for the spacing between the lines of termination and the indicia is apparent in the Durr device. When mechanical tolerances inherent in parts from the machining process are considered, at least a tolerance range derived from these mechanical tolerances of the parts exists in Durr. In addition, it has been held that where the general conditions of a claim are disclosed in the prior art, there is nothing unobvious about discovering the optimum or workable ranges by routine experimentation. MPEP 2144.05 (II) (A).

Claim Rejections - 35 USC § 103

6. Claims 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durr in view of McNeil (US 4,687,153).

Durr teaches a process for registering indicia and lines of termination in a moving sheet as claimed and comprising the steps of providing a generally planar sheet, transporting said sheet in a first direction (Fig. 1) at a first velocity, applying indicia to said sheet from a printer 3,4 movable in said first direction relative to said sheet, said printer being movable at a second velocity, imparting chop off cuts to said sheet from a blade 11 movable in said first direction relative to said sheet, said chop off cuts being spaced apart from said indicia in a spacing, varying said third velocity independent of said second velocity or varying (col. 4, line 60 to col. 5, line 9) movement of said chop off blade independent of said second velocity to maintain said chop off cuts within a desired range wherein a path length of said sheet between said printer and said blade remains substantially constant, varying the movement of said chop off blade, determining the position of said chop off blade relative to said sheet.

Durr teaches the claimed invention except for imparting perforations to said sheet from a perforator blade movable in said first direction relative to said sheet and movable at a third velocity, where the perforations are spaced apart from said indicia at a spacing, varying said third velocity, said perforator blade and said chop off blade being driven by a common motor, determining the position of said perforator blade relative to said sheet, determining the actual spacing between said indicia and said perforations, where the second and third velocities are simultaneously varied.

McNeil teaches imparting perforations to said sheet from a perforator blade 24 movable in said first direction relative to said sheet and movable at a variable third velocity (col. 4, lines 45-60), said perforator blade and said chop off blade 80 being

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driven by a common motor 35, determining the position of said perforator blade relative to said sheet, where the second and third velocities are simultaneously varied (col. 4, lines 52-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Durr to have the perforating cylinder arrangement as taught by McNeil, in order to make the Durr device more versatile by being able to perforate and completely sever sheets.

In this modification it would also be obvious, in view of the teachings in Durr, to provide an imaging sensor before the perforator in order to determine the actual spacing between the indicia and the perforations, in order to accurately place the perforations and space them from the indicia.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin D. Williams whose telephone number is (703) 305-3036. The examiner can normally be reached on Monday - Friday, 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 872-9319 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

KDW
April 1, 2003

Leslie J. Evanisko
LESLIE J. EVANISKO
PRIMARY EXAMINER